

COUNTY OF KAUA'I
Minutes of Meeting
Open Session

Board/Committee:		LIQUOR CONTROL COMMISSION		Meeting Date	April 5, 2018
Location	Mo‘ikeha Building, Meeting Room #3			Start of Meeting: 4:00 p.m.	End of Meeting: 4:31 p.m.
Present	Chair William Gibson; Vice Chair Paul Endo; Members: Shirley Akita, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo; Deputy County Attorney Cameron Takamura; Boards and Commissions Staff: Administrator Nicholas R. Courson, Support Clerk Darcie Agaran				
Excused	Jean Iida, Maryanne Kusaka				
Absent					
SUBJECT		DISCUSSION		ACTION	
Call To Order				Chair Gibson called the meeting to order at 4:00 p.m. with five members present, constituting a quorum.	
Roll Call		Director Rapozo called roll, noting five members were present.			
Approval of the Agenda		Director Rapozo noted that a correction needed to be made to the agenda; Item 5.a. should be Kaua‘i Café and Item 5.b. should be Kaua‘i Bar.		Commissioner Pacheco moved to approve the agenda as amended. Vice Chair Endo seconded the motion. Motion carried 5:0.	
Approval of the Minutes		<u>APPROVAL OF MEETING MINUTES:</u> Executive Session minutes of March 1, 2018 Open Session minutes of March 15, 2018		Commissioner Pacheco moved to approve the Executive Session minutes of March 1, 2018, and the Open Session minutes of March 15, 2018. Commissioner Akita seconded the motion. Motion carried 5:0.	
1.		<u>VIOLATION HEARING:</u> a) <u>LAVA LAVA BEACH CLUB</u> : Violation of Rule 7.13 Fight and Disturbance reports			

SUBJECT	DISCUSSION	ACTION
	<p>Director Rapozo noted that pursuant to Rule 3.11, the licensee has waived their right to a violation hearing and has paid a fine of \$150.</p> <p>b) <u>SHERATON KAUA'I RESORT LINK CAFÉ</u>: Violation of Rule 10.2 Manager on duty, qualifications.</p> <p>Ms. Katie Brenner, hotel manager, was present to represent the licensee; no counsel.</p> <p>Director Rapozo read the charge, and Chair Gibson swore in Ms. Brenner.</p> <p>Chair Gibson asked Ms. Brenner if she received a copy of the charge to which she replied yes, and admitted to the charges.</p> <p>Ms. Brenner explained that with their current renovation, they have not been opening a lot of positions and are trying to keep people working. She noted that Seanna was the associate who was working at the Link Café the evening of the violation. Seanna is a housekeeping associate that has been cross-trained. Ms. Brenner stated that it was their impression that the red card was the same as the blue card, and that it could be held by somebody on property, noting that Ryan has the red card. After they were told that they were incorrect in their understanding, Seanna was immediately removed from the schedule. Ms. Brenner was happy to report that Seanna received her red card on the 21st. She admitted that they made a mistake.</p> <p>Commissioner Endo asked if it was the first or second violation, noting that it seemed like he previously heard about this violation to which Director Rapozo stated that it was the first manager on duty violation.</p>	

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	<p>Commissioner Matsunaga asked if Ms. Brenner acknowledged that they have two prior offenses; one in April 2016 and one in August 2016. Ms. Brenner stated that she wouldn't know it off the top of her head and that she would have to get back to him. Commissioner Matsunaga noted that the Department has their record that reflected two prior offenses: a \$100 fine in April 2016 for failure to have certificate of liability insurance upon inspection and another \$100 in August 2016 for failure to submit a gross liquor sales report. He asked if it sounded familiar to which Ms. Brenner replied no, because Jacob, the director of food and beverage, would have handled it at the time. She noted that Jacob is no longer with the Sheraton, which was why she was present.</p> <p>With no further questions, Chair Gibson called for a motion.</p>	<p>Commissioner Akita moved to find the Sheraton Kaua‘i Resort Link Café in violation and impose a fine of \$250. Commissioner Pacheco seconded the motion. Motion carried 5:0.</p>
<p>2.</p>	<p><u>PUBLIC HEARING:</u></p> <p><u>NOM KAUA‘I:</u> Application No. 2018-069 was filed on January 11, 2018, by Nom Kaua‘i Corp. dba Nom Kaua‘i for a New Restaurant General (no live music and dancing) Liquor license at 4-1101 Kūhiō Highway A-4, Kapa‘a, Kaua‘i, Hawai‘i. The Commission accepted Application No. 2018-069 for publication and public hearing on January 18, 2018, and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, January 24 & 31, 2018, and February 7 & 14, 2018, scheduling the public hearing on Thursday, April 5, 2018, at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu‘e Civic Center, Moikeha Building, 4444 Rice Street, Līhu‘e, Kaua‘i, Hawai‘i.</p>	

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	<p>Director Rapozo noted that, via affidavit, the applicant has stated that they have sent notices to 42 property owners or lessees of record. Up until the time of the hearing, the Department did not receive any letters in support or opposition of the application.</p> <p>Mr. Thomas Fuquay, owner of Nom Kaua'i, was present.</p> <p>Chair Gibson asked if he received a copy of the investigator's report to which Mr. Fuquay replied yes.</p> <p>There was no one present who objected to the application.</p> <p>Mr. Jimmy Jasper provided testimony in support of the applicant.</p> <p>Commissioner Akita asked where in Kapa'a Shopping Center the restaurant was located to which Mr. Fuquay replied that they are next door to Big Save.</p> <p>Commissioner Matsunaga asked for clarification on the type of food they serve. Mr. Fuquay stated that he and his wife are from Florida, and he grew up eating southern comfort food; i.e. biscuits and gravy, shrimp and grits, and fried chicken. He noted that those were the types of foods they serve using local ingredients.</p> <p>Commissioner Matsunaga stated that their hours of operation are from 7:30 a.m. to 2:30 p.m., clarifying that they were not open for dinner to which Mr. Fuquay replied that they are only open for breakfast and lunch.</p> <p>The public hearing for Application No. 2018-069 was closed.</p>	<p>Commissioner Matsunaga moved to approve Application No. 2018-069. Vice Chair Endo</p>

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		seconded the motion. Motion carried 5:0.
3.	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Hinman & Carmichael LLC, Re: Jordan Estate Rewards monthly photo contest</p> <p>(2) From Arrowhead Promotion & Fulfillment, Re: Barcardi Retail sweepstakes</p> <p>(3) From Sweepstakes Consulting, Re: Kim Crawford Cirque Du Soleil Experience sweepstakes, and The Dreaming Tree Concert sweepstakes</p> <p>(4) From Avid Marketing Group, Re: Carlsberg Liverpool FC U.S. Tour sweepstakes, K1664 Paint the Town Blanc sweepstakes, Kraken Rum Comic Event sweepstakes, Bushmills Find Ireland sweepstakes, and Heineken Cervezas de Mexico coupon offers</p> <p>(5) From Craft Brew Alliance, Re: Kona Art 18 sweepstakes</p> <p>(6) Disturbance Report from Kōloa Landing at Po'ipū Beach</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To Avid Marketing Group, Re: Carlsberg Liverpool FC U.S. Tour sweepstakes, K1664 Paint the Town Blanc sweepstakes, Kraken Rum Comic Event sweepstakes, Bushmills Find Ireland sweepstakes, and Heineken Cervezas de Mexico coupon offers</p> <p>(2) From Craft Brew Alliance, Re: Kona Art 18 sweepstakes</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Managers And Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <ul style="list-style-type: none"> (1) ANAINA HOU COMMUNITY PARK (2) BEACH HOUSE RESTAURANT (3) FOODLAND PRINCEVILLE (4) KUKUI‘ULA STORE (5) PACO’S TACOS CANTINA PO‘IPŪ (6) PACO’S TACOS CANTINA PO‘IPŪ (7) WRANGLER’S RESTAURANT (8) CHICKEN IN A BARREL PLANTATION HIDEAWAYS (9) NATIONAL TROPICAL BOTANICAL GARDEN (10) CA SHEET METAL & AIR CONDITIONING CONTRACTOR NATIONAL ASSOCIATION (11) ISLAND SCHOOL (12) KAUA‘I CHAMBER OF COMMERCE <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Commissioner Pacheco moved to accept Items 3(a) through (f). Vice Chair Endo seconded the motion. Motion carried 5:0.</p>
4.	<p><u>VIOLATION REPORTS:</u></p> <p><u>KŌLOA LANDING AT PO‘IPŪ BEACH:</u> Violation of Rule 7.13 Fight and Disturbance Reports.</p>	<p>Commissioner Akita moved to bring Kōloa Landing at Po‘ipū Beach for Violation Hearing. Commissioner Pacheco seconded the motion. Motion carried 5:0.</p>

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5.	<p><u>EXTENSION IN TIME TO EXERCISE LIQUOR LICENSE:</u></p> <p>a) <u>KAUA‘I BAR CAFÉ</u>: Request for extension in time for a period of 1-year to exercise Application No. 2014-80 which was approved on April 3, 2014.</p> <p>b) <u>KAUA‘I CAFÉ BAR</u>: Request for extension in time for a period of 1-year to exercise Application No. 2015-31 which was approved on December 4, 2014.</p> <p>Mr. Jimmy Jasper was present, along with his assistant Bryan.</p> <p>Mr. Jasper noted that Kaua‘i Café and Kaua‘i Bar were both located in the NoKa Fair site, formally the Kaua‘i Products Fair. He stated that he’s waiting on the Planning Department for a parking lot permit.</p> <p>Chair Gibson asked if there was a new estimated completion time to which Mr. Jasper replied that per Wayne Wada at Dennis Esaki’s office, it’s getting close. Mr. Jasper noted that they are working to appease Mike Dahilig with the Planning Department before he gives the “OK” to the Building Division.</p> <p>Chair Gibson asked if it was “OK” with the other government agencies to which Mr. Jasper replied yes.</p> <p>Commissioner Matsunaga stated that a 3 ½-month extension was previously granted, asking for an accurate timeframe in which the permit is going to be approved. Mr. Jasper noted that he spoke to Wayne Wada via conference call and added that they have been working on the parking lot permit since September 2017.</p>	

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	<p>Commissioner Matsunaga asked if the holdup was in the Building Division. Mr. Jasper stated that they are awaiting a building permit for a 53-stall, pervious concrete parking lot.</p> <p>Commissioner Matsunaga asked if there was anything to enlighten the Commission regarding the status of the Building Division to which Director Rapozo replied no. Director Rapozo stated that he could follow up at the request of the Commission.</p> <p>Mr. Jasper stated that he didn’t want to be disingenuous in providing a timeframe; however, he noted that he and his sister are working diligently with the best architects and engineers on Kaua‘i to accomplish this in an expedient timeframe.</p> <p>Commissioner Pacheco noted that the application was approved in 2014 and asked why Mr. Jasper wasn’t concentrating on these two items instead of the other buildings on the premises. Mr. Jasper explained that he doesn’t dictate the process, Mike Dahilig does. He would love to open the businesses if he could.</p> <p>Commissioner Matsunaga asked Director Rapozo if it was possible to continue the request for extension pending his conference with the Building Division to get an accurate timeframe to which he replied yes. Director Rapozo stated that the matter could be deferred until the next meeting on April 19th, noting that the extension expires on May 5th.</p> <p>Commissioner Akita asked where the application was to which Mr. Jasper replied that it was with the Department of Public Works.</p> <p>Commissioner Akita asked Commissioner Matsunaga to repeat his suggestion. Commissioner Matsunaga stated that his suggestion was to</p>	

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	<p>defer the item to the April 19th meeting at which time they would have an update from the Building Division. Commissioner Akita stated that she was wondering what the Building Division could tell the Commission that they couldn't tell Mr. Jasper. Commissioner Matsunaga stated that he thinks the Building Division would be able to inform the Commission on what the hang up is and what has to be done.</p> <p>Commissioner Akita asked Mr. Jasper what kind of extension he was requesting for to which Mr. Jasper replied one year.</p> <p>Commissioner Akita asked if there were other alternatives to an extension to which Director Rapozo replied that the application was already approved and per rule, if the license is not exercised within 180 days of approval, an extension would need to be requested, and that is based on good cause. Director Rapozo stated that the application would be void if the extension was denied. In the event the extension was denied, the applicant could reapply and go through the whole process again. Commissioner Akita asked if there was a limit as to the number of extensions they could approve to which Director Rapozo replied no. He noted that it was at the discretion of the Commission.</p>	<p>Commissioner Matsunaga moved to defer the requests for extension of time for Kaua'i Bar and Kaua'i Café to April 19th, and to request that the Director confer with the Building Division and, if possible, have a representative present. Vice Chair Endo seconded the motion. Motion carried 4:0:1 (Commissioner Akita abstained).</p>
6.	<p><u>CANCELLATION OF LIQUOR LICENSE:</u> <u>ABC STORE #93T</u>: Effective March 9, 2018, cancellation of Retail Dealer General license 4G-028 issued to MNS, Ltd. DbA ABC Store #93T.</p>	<p>Commissioner Pacheco moved to approve the</p>

SUBJECT	DISCUSSION	ACTION
		cancellation of license for ABC Store #93T. Commissioner Matsunaga seconded the motion. Motion carried 5:0.
7.	<p><u>CANCELLATION OF LIQUOR LICENSE AND TRANSFER OF LIQUOR INVENTORY:</u></p> <p><u>COST-U-LESS:</u> Effective March 31, 2018, cancellation of Retail Dealer General license 4G-069 issued to The Northwest Company (International) Inc. dba Cost-U-Less, and request to transfer all liquor inventory, per list, to their Hilo location.</p>	<p>Commissioner Akita moved to approve the cancellation of license for Cost-U-Less. Commissioner Matsunaga seconded the motion. Motion carried 5:0.</p>
8.	<p><u>PERMANENT INCREASE OF PREMISES:</u></p> <p><u>SAM'S OCEAN VIEW:</u> Request for permanent increase of premises to extend the lanai area which is approximately 10' x 16', per diagram submitted, to accommodate the overflow of customers while waiting to be seated, and also for the usage of management and staff.</p> <p>Chair Gibson asked if they explained how management will use the space to which Director Rapozo replied that it would be used as a seating area.</p> <p>Commissioner Akita asked if they will serve liquor to which Director Rapozo replied yes. Director Rapozo stated that with the increase, the restaurant will be able to serve people outside that are waiting for a table. He noted that the area won't be used for regular dining.</p> <p>Commissioner Akita asked if they will have benches outside to which Director Rapozo replied that he thinks they will have chairs and benches.</p>	

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		Commissioner Pacheco moved to approve the permanent increase of premises. Commissioner Akita seconded the motion. Motion carried 5:0.
9.	<u>CHANGE IN CORPORATE OFFICERS:</u> <u>ABC STORES:</u> Promotion of Scott Hideo Shimogawa to Executive Vice President; David Kelly Awaya to Vice President; Aaron Keith Gandaoli to Vice President; Russell Marciel Jeremiah, Jr. to Vice President; and Terri Min to Vice President.	Commissioner Pacheco moved to approve the change in corporate officers. Vice Chair Endo seconded the motion. Motion carried 5:0.
Announcements	Next Scheduled Meeting: Thursday, April 19, 2018 – 4:00 pm, Mo'ikeha Building, Meeting Room #3.	
Adjournment		Commissioner Pacheco moved to adjourn the meeting. Vice Chair Endo seconded the motion. Motion carried 5:0. Chair Gibson adjourned the meeting at 4:31 p.m.

Submitted by: _____
Darcie Agaran, Support Clerk

Reviewed and Approved by: _____
William Gibson, Chair